

**Tax Map/Block/Parcel
No. 59-17-665**

Case 5468

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Dede Road, LLC (SEH Excavating, Inc.)
c/o Scot Hare
2922 Industrial Park Drive
Finksburg, Maryland 21048

ATTORNEY: n/a

REQUEST: A conditional use for a contractor's equipment and storage yard to include parking and storage of equipment for an excavating company and any variances as may be required per 223-16.

LOCATION: The site is located at 2940 Dede Road, Finksburg, MD 21048, on property zoned "I-R" Restricted Industrial District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-118A

HEARING HELD: March 24, 2009

FINDINGS AND CONCLUSION

On March 24, 2009, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment and storage yard to include parking and storage of equipment for an excavating company and any variances as may be required per 223-16. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 10 acres (+/-) in the "I-R" Restricted Industrial zone. The property is improved with an office and shop building and a large parking lot. It is surrounded by industrial and warehouse uses and an unoccupied lot. The property was formerly used as a base for a trash hauling company.

The Applicant hopes to relocate his excavating business to the property. He will store at least 30 pieces of equipment on the site, including bulldozers, excavators and trucks. He will also maintain the trucks on the site, using the existing shop building for vehicle and machinery repairs. He will have 15 full-time employees working daily at the yard in the office and shop from Monday through Friday, with occasional Saturdays. Hours of operation will typically be

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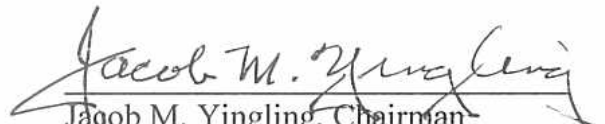
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7:00 a.m. to 5:00 p.m. The business has 70 other employees, who will work “off site” rather than at the proposed equipment storage yard.

The Board found the site to be an ideal location for a contractor’s equipment storage yard. The property is large and is surrounded by similar uses and is in an industrial area of the County. Traffic, noise, dust, fumes and other adverse effects generated by this use will be no worse here than elsewhere in the zone. Furthermore, the proposed use will be less detrimental to the neighborhood than the prior occupant, a trash hauling company. Accordingly, the conditional use was granted.

Turning to the variance, the Board found that the closest residential lot is a four acre parcel owned by the Applicant. Furthermore, the subject property has been used for industrial purposes for years. A strict application of the setback provisions of 223-16 and 223-118 A to this property would result in undue hardship and render the property unusable for almost any industrial use. Accordingly, all distance variances (up to 350 feet) required from the rear of the property for this use was granted.

4/15/09
Date


Jacob M. Yingling, Chairman